

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RONALD A. ROGANTI,

Plaintiff,

-against-

METROPOLITAN LIFE INSURANCE COMPANY,
METROPOLLITAN LIFE RETIRMENT PLAN FOR
UNITED STATES EMPLOYEES, SAVINGS AND
INVESTMENT PLAN FOR EMPLOYEES OF
METROPOLITAN LIFE AND PARTICIPATING
AFFILIATES, THE METLIFE AUXILIARY
PENSION PLAN, AND THE METROPOLITAN
LIFE SUPPLEMENTAL AUXILIARY SAVINGS
AND INVESTMENT PLAN,

Defendants.

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Civ. Act. No.: 12-cv-0161(PAE)

**DECLARATION OF
MICHAEL H. BERNSTEIN**

DOCUMENT
ELECTRONICALLY FILED

MICHAEL H. BERNSTEIN, declares under penalty of perjury:

1. I am a member of the firm of Sedgwick LLP, attorneys for Defendants, Metropolitan Life Insurance Company, Metropolitan Life Retirement Plan for United States Employees, Savings and Investment Plan for Employees of Metropolitan Life and Participating Affiliates, the MetLife Auxiliary Pension Plan, and the Metropolitan Life Supplemental Auxiliary Savings and Investment Plan (collectively referred to as “MetLife”) in the above action. As such, I am fully familiar with the facts and circumstances in this matter.

2. I submit this Declaration in support of MetLife’s motion pursuant to FED. R. CIV. P. 12(b)(6) for an order dismissing Plaintiff’s Complaint dated January 4, 2012, with prejudice.

3. Plaintiff commenced this action on January 9, 2012 by filing a Complaint with the Clerk of the Court. A true and correct copy of this Complaint is annexed hereto as Exhibit “A.”

4. Pursuant to the Court’s Memo Endorsed Order dated February 15, 2012, MetLife’s time to answer or move with respect to the Complaint was extended to March 19, 2012. A true and correct copy of the Order is annexed hereto as Exhibit “B.”

5. According to plaintiff's Complaint in this action, including the exhibits annexed thereto, plaintiff Ronald A. Roganti's ("Roganti") named the following plans as defendants in his Complaint: Metropolitan Life Retirement Plan for United States Employees, Savings and Investment Plan for Employees of Metropolitan Life and Participating Affiliates, the MetLife Auxiliary Pension Plan, and the Metropolitan Life Supplemental Auxiliary Savings and Investment Plan.

6. True and accurate copies of the cited pages of the Metropolitan Life Retirement Plan for United States Employees, identified in the Complaint, are annexed hereto as Exhibit "C."

7. True and accurate copies of the cited pages of the MetLife Auxiliary Pension Plan, identified in the Complaint, are annexed hereto as Exhibit "D."

8. True and accurate copies of the cited pages of the Savings and Investment Plan for Employees of Metropolitan Life and Participating Affiliates, identified in the Complaint, are annexed hereto as Exhibit "E."

9. True and accurate copies of the cited pages of the Metropolitan Life Supplemental Auxiliary Savings and Investment Plan, identified in the Complaint, are annexed hereto as Exhibit "F."

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
March 19, 2012

s/_____
MICHAEL H. BERNSTEIN (MB-0579)

CERTIFICATE OF SERVICE

I, DANIEL M. MEIER, hereby certify and affirm that a true and correct copy of the annexed **DECLARATION OF MICHAEL H. BERNSTEIN DATED MARCH 19, 2012 AND THE EXHIBITS ANNEXED THERETO** were served via ECF and Regular Mail on this 19th day of March, 2012, upon the following:

David G. Gabor Esq.
The Wagner Law Group
99 Summer Street, 13th Floor
Boston MA 02110
Business Phone: (617) 357-5200

s/_____
DANIEL M. MEIER (DM-2833)

Dated: New York, New York
March 19, 2012